



***Substitute House Bill No. 7196***

***Public Act No. 17-47***

***AN ACT CONCERNING NONADVERSARIAL DISSOLUTION OF MARRIAGE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 46b-44a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) An action for a nonadversarial dissolution of marriage may be commenced by the filing of a joint petition in the judicial district in which one of the parties resides. The joint petition shall be notarized and contain an attestation, under oath, by each party that the conditions set forth in subsection (b) of this section exist.

(b) An action brought pursuant to subsection (a) of this section may proceed if, at the time of the filing of the action, the parties attest, under oath, that the following conditions exist: (1) The marriage has broken down irretrievably; (2) the duration of the marriage does not exceed [eight] nine years; (3) neither party to the action is pregnant; (4) no children were born to or adopted by the parties prior to, or during, the marriage; (5) neither party has any interest or title in real property; (6) the total combined fair market value of all property owned by either party, [excluding all encumbrances, is less than thirty-five thousand dollars] less any amount owed on such property, is less than

***Substitute House Bill No. 7196***

eighty thousand dollars; (7) neither party has a defined benefit pension plan; (8) neither party has a pending petition for relief under the United States Bankruptcy Code; (9) neither party is applying for or receiving benefits pursuant to Title XIX of the Social Security Act; (10) no other action for dissolution of marriage, civil union, legal separation or annulment is pending in this state or in a foreign jurisdiction; (11) a restraining order, issued pursuant to section 46b-15, or a protective order, issued pursuant to section 46b-38c, between the parties is not in effect; and (12) the residency provisions of section 46b-44 have been satisfied. After the filing of the joint petition and prior to the court entering a decree of dissolution of marriage pursuant to section 46b-44c, if a change occurs with respect to any of the conditions set forth in this subsection, one or both of the parties shall notify the court forthwith of the changed condition. For the purposes of this subsection, "defined benefit pension plan" means a pension plan in which an employer promises to pay a specified monthly benefit upon an employee's retirement that is predetermined by a formula based on the employee's earnings history and tenure of service.

(c) In addition to attesting to the conditions enumerated in subsection (b) of this section, any joint petition filed pursuant to subsection (a) of this section shall also state the date and place of marriage and the current residential address for each party.

(d) A joint petition shall be accompanied by financial affidavits completed by each party on a form prescribed by the Office of the Chief Court Administrator, a request for the court to order the restoration of a birth name or former name, if so desired by either party, and a certification attested to by the parties, under oath, that: (1) The parties agree to proceed by consent and waive service of process; (2) neither party is acting under duress or coercion; and (3) each party is waiving any right to a trial, alimony, spousal support or an appeal.

(e) If the parties submit a settlement agreement to the court that

**Substitute House Bill No. 7196**

they are requesting be incorporated into the decree of dissolution, such settlement agreement shall be filed with the joint petition. Each party shall attest, under oath, that the terms of the settlement agreement are fair and equitable. If the court finds that the settlement agreement is fair and equitable, it shall be incorporated by reference into the decree of the court. If the court cannot determine whether such agreement is fair and equitable, the matter shall be docketed for the court's review in accordance with the provisions of section 46b-44d, as amended by this act.

(f) The provisions of subsection (a) of section 46b-67 shall not apply to a nonadversarial dissolution action brought under this section.

Sec. 2. Section 46b-44d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) If after review of a settlement agreement filed pursuant to subsection (e) of section 46b-44a, as amended by this act, the court cannot determine whether such settlement agreement is fair and equitable, the matter shall be docketed on a date not later than thirty days after the assigned disposition date and the court shall command that the parties appear before the court on such date. If the court determines that the settlement agreement is fair and equitable, the court may enter a decree of dissolution of marriage. If the court is unable to make such a determination, the court may order the termination of the nonadversarial dissolution action and order that the matter be placed on the regular family docket of the Superior Court.

(b) If after review of the joint petition, the court does not enter a decree of dissolution of marriage pursuant to subsection (b) of section 46b-44c, the matter shall be docketed on a date not later than thirty days after the assigned disposition date and the court shall command that the parties appear before the court in order for the court to determine if the criteria in section 46b-44a, as amended by this act,

**Substitute House Bill No. 7196**

have been met, and whether a decree of dissolution of marriage may enter. If the court does not enter the decree of dissolution of marriage, the court may order the termination of the nonadversarial dissolution action and order that the matter be placed on the regular family docket of the Superior Court.

(c) If the matter is placed on the regular family docket of the Superior Court pursuant to subsection (a) or (b) of this section, all provisions of this chapter, except for the provisions of subsection (a) of section 46b-45, as amended by this act, shall apply to the matter. No new filing fee shall be imposed by the court.

Sec. 3. Section 46b-45 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) A proceeding for an annulment, a dissolution of a marriage or civil union or a legal separation shall be commenced by the service and filing of a complaint as in all other civil actions in the Superior Court for the judicial district in which one of the parties resides. The complaint may also be made by the Attorney General in a proceeding for annulment of a void marriage. The complaint shall be served on the other party.

(b) Any person entitled to service of process of a summons and complaint that commences an action for an annulment, a dissolution of marriage, a dissolution of civil union or a legal separation may waive such service by (1) executing a written waiver of service on a form prescribed by the Office of the Chief Court Administrator, and (2) filing an appearance with the court. Upon filing of both the waiver of service and the appearance of the person waiving such service, the action shall proceed as consistent with the provisions of this chapter.

~~[(b)]~~ (c) If any party is an inmate [of a mental institution in this state] who is (1) committed to the custody of the Commissioner of

***Substitute House Bill No. 7196***

Correction, and (2) a patient in a hospital for psychiatric disabilities, a copy of the complaint shall be served on the Commissioner of Administrative Services personally or by registered or certified mail. If any party is confined in an institution in any other state, a copy shall be so served on the superintendent of the institution in which the party is confined.

Sec. 4. Subsection (a) of section 46b-66 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) [In] Except as provided in section 46b-44c, in any case under this chapter where the parties have submitted to the court [an] a final agreement concerning the custody, care, education, visitation, maintenance or support of any of their children or concerning alimony or the disposition of property, the court shall inquire into the financial resources and actual needs of the spouses and their respective fitness to have physical custody of or rights of visitation with any minor child, in order to determine whether the agreement of the spouses is fair and equitable under all the circumstances. If the court finds the agreement fair and equitable, it shall become part of the court file, and if the agreement is in writing, it shall be incorporated by reference into the order or decree of the court. If the court finds the agreement is not fair and equitable, it shall make such orders as to finances and custody as the circumstances require. If the agreement is in writing and provides for the care, education, maintenance or support of a child beyond the age of eighteen, it may also be incorporated or otherwise made a part of any such order and shall be enforceable to the same extent as any other provision of such order or decree, notwithstanding the provisions of section 1-1d.

Approved June 13, 2017